

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

United States of America,

Plaintiff,

-vs-

Martin Torres, Jr.,

Defendant.

Case No. 3:08-cr-47

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge.¹ The Report and Recommendation recommends that the district judge find that (1) Martin Torres, Jr. violated a condition of supervised release by failing to obtain a substance abuse evaluation; (2) that his supervised release be revoked; (3) that Torres be sentenced to a term of 60 days straight time with no supervision to follow, with credit for time served since October 2, 2017; and (4) that the other allegation in the petition be dismissed.

Both parties have informed the court that they have no objection to the Report and Recommendations. For the reasons stated therein, **IT IS HEREBY ORDERED** as follows:

- (1) Torres has violated a condition of supervised release by failing to complete a substance abuse evaluation as directed by his supervising probation officer (Allegation #2 in the petition).
- (2) Torres' supervised release is hereby **REVOKED**.
- (3) Torres is sentenced to a term of 60 days in the custody of the Bureau of

¹ Doc. #189.

Prisons with no supervision to follow upon completion of his sentence.

Torres shall receive credit against his sentence from October 2, 2017.

(4) Violation #1 contained in the petition is hereby **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 16th day of October, 2017.

Sitting by designation:

/s/ Ralph R. Erickson
Ralph R. Erickson, Circuit Judge
Eighth Circuit Court of Appeals